

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/838,467	OEY HEWETT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kidest Bahta	2125	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/22/05.
2. ☒ The allowed claim(s) is/are 1-4, 6-9, 11-17, 19-28, 30-33, 35-41 and 43- 51.
3. ☒ The drawings filed on 4/19/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview Mr. Sincell with on April 12, 2005.

The application has been amended as follows:

Claim 1, line 1, after --A-- and before --method-- insert "computer implementation";

Claims 2-4, 6-9 and 11-12, line 1, after --A-- and before --method-- insert "computer implementation";

Claim 13, line 1, after --The-- and before --method-- insert "computer implementation";

Claims 14-17 and 19-20, line 1, after --The-- and before --method-- insert "computer implementation";

Claim 21, line 1, after --A-- and before --method-- insert "computer implementation";

Claims 22-24, line 1, after --The-- and before --method-- insert "computer implementation";

Claim 1, line 9, after "a value of the control state variable" insert --retrieving metrology data associated with the processing of the workpieces in the tool; and solving

the control equation in reverse based on the metrology date to determine the value of the control state variable--;

Claim 13, line 7, after "a predetermined threshold" insert --retrieving metrology data associated with the processing of the workpieces in the tool; and solving the control equation in reverse based on the metrology date to determine the value of the control state variable--;

Claim 25, line 9, after "a predetermined threshold" insert --retrieving metrology data associated with the processing of the workpieces in the tool; and solving the control equation in reverse based on the metrology date to determine the value of the control state variable--;

Claim 37, line 7, after "a predetermined threshold" insert --retrieving metrology data associated with the processing of the workpieces in the tool; and solving the control equation in reverse based on the metrology date to determine the value of the control state variable--;

Claim 49, line 9, after "a value of the control state variable" insert --retrieving metrology data associated with the processing of the workpieces in the tool; and solving the control equation in reverse based on the metrology date to determine the value of the control state variable--;

Claim 50, line 8, after "a predetermined threshold" insert --retrieving metrology data associated with the processing of the workpieces in the tool; and solving the control equation in reverse based on the metrology date to determine the value of the control state variable--;

Cancel Claims 10, 18, 34 and 42.

***Allowable Subject Matter***

2. Claims 1-4, 6-9, 11-17, 19-28, 30-33, 35-41, 43-51 are allowed.

The following is an examiner's statement of reasons for allowance:

The allowability of the independent claims 1, 13, 21, 25, 37, 45, 49, 50 and 51 resides, at least in part, in that closest prior art of record Horejsi et al. (U. S. Patent 5,239,487) does not disclose or suggest, alone or in combination, retrieving metrology data associated with the processing of the workpieces in the tool and solving the control equation in reverse based on the metrology data to determine the value of the control state variable, in combination with the other elements and features of the claimed invention.

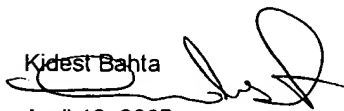
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. Any inquiry concerning communication or earlier communication from the examiner should be directed to Kidest Bahta, whose telephone number is (571) 272-3737. The examiner can normally be reached on M-F from 9:00 a.m. to 6:00 p.m. If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached (571) 272-3749. Additionally, the fax phone for Art Unit 2125 is (703) 872-

Art Unit: 2125

9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Kidest Bahta  
  
April 12, 2005